

**SUBSTITUTE FOR
HOUSE BILL NO. 4448**

A bill to amend 1976 PA 390, entitled
"Emergency management act,"
by amending section 3 (MCL 30.403), as amended by 2002 PA 132.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) The governor is responsible for coping with
2 dangers to this state or the people of this state presented by a
3 disaster or emergency.

4 (2) The governor may issue executive orders, proclamations,
5 and directives having the force and effect of law to implement this
6 act. Except as provided in section 7(2), an executive order,
7 proclamation, or directive may be amended or rescinded by the
8 governor.

9 (3) The governor shall, by executive order or proclamation,



1 declare a state of disaster if he or she finds a disaster has
2 occurred or the threat of a disaster exists. The state of disaster
3 shall continue until the governor finds that the threat or danger
4 has passed, the disaster has been dealt with to the extent that
5 disaster conditions no longer exist, or until the declared state of
6 disaster has been in effect for 28 days. After 28 days, the
7 governor shall issue an executive order or proclamation declaring
8 the state of disaster terminated, unless a request by the governor
9 for an extension of the state of disaster for a specific number of
10 days is approved by resolution of both houses of the legislature.
11 An executive order or proclamation issued pursuant to this
12 subsection shall indicate the nature of the disaster, the area or
13 areas threatened, the conditions causing the disaster, and the
14 conditions permitting the termination of the state of disaster.
15 **However, an executive order, proclamation, or directive issued**
16 **under this act shall not extend any response time or otherwise**
17 **limit the scope of a public body's duties under the freedom of**
18 **information act, 1976 PA 442, MCL 15.231 to 15.246, unless the**
19 **public body establishes, by clear and convincing evidence, a**
20 **physical inability to comply with those duties as a direct result**
21 **of the declared state of disaster or emergency.** An executive order
22 or proclamation shall be disseminated promptly by means calculated
23 to bring its contents to the attention of the general public and
24 shall be promptly filed with the emergency management division of
25 the department and the secretary of state, unless circumstances
26 attendant upon the disaster prevent or impede its prompt filing.
27 (4) The governor shall, by executive order or proclamation,
28 declare a state of emergency if he or she finds that an emergency
29 has occurred or that the threat of an emergency exists. The state



1 of emergency shall continue until the governor finds that the
2 threat or danger has passed, the emergency has been dealt with to
3 the extent that emergency conditions no longer exist, or until the
4 declared state of emergency has been in effect for 28 days. After
5 28 days, the governor shall issue an executive order or
6 proclamation declaring the state of emergency terminated, unless a
7 request by the governor for an extension of the state of emergency
8 for a specific number of days is approved by resolution of both
9 houses of the legislature. An executive order or proclamation
10 issued pursuant to this subsection shall indicate the nature of the
11 emergency, the area or areas threatened, the conditions causing the
12 emergency, and the conditions permitting the termination of the
13 state of emergency. An executive order or proclamation shall be
14 disseminated promptly by means calculated to bring its contents to
15 the attention of the general public and shall be promptly filed
16 with the emergency management division of the department and the
17 secretary of state, unless circumstances attendant upon the
18 emergency prevent or impede its prompt filing.

